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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/319,222

08/23/1999

BJORN HEED

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2625

7590

06/19/2002

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EXAMINER

CHOW, DOON Y

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 06/19/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.
09/319,222

Applicant(s)
Heed et al.

Examiner
Dennis-Doon Chow

Art Unit
2675



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 23, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

Art Unit:

1. The disclosure is objected to because of the following informalities:

Sections of "Background of the Invention", "Brief Summary of the Invention", and "Brief Description of the Several Views of the Drawing(s)" are missing from the disclosure.

Appropriate correction is required.

2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).

Art Unit:

- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

3. The drawings are objected to because it is required that legends be provided for all symbolically illustrated structure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5, 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura (5270810).

Nishimura discloses a viewing instrument comprising: a memory function to freeze an image; control means for freezing the image; an electronic retinas; and a processing unit which connects to the retinas.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4, 7-8, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura.

As to claim 4, Although, Nishimura does not explicitly disclose the use of a timer for controlling the time-interval of the freezing image, but using a timer for controlling a time-interval of a freezing image is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use the known timer in Nishimura's instrument. By doing so, the timing of the freezing image can be automatically controlled.

Art Unit:

As to claim 7-8, 18 and 20, Nishimura does not disclose the use of two displays and two electronic retinas. However, using two displays and two electronic retinas in a viewing instrument is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use two displays and two retinas because they provide better picture quality.

8. Claims 2, 6, 10-12, 14-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura as applied to claims 1, 3, 5, 9 and 13 above, and further in view of Branson (5740801).

Nishimura does not disclose magnifying the frozen image.

Branson, in the same field, discloses a viewing instrument comprising means magnifying an image.

It would have been obvious to one of ordinary skill in the art to use Branson's magnifying means in Nishimura's instrument to magnify the frozen image. By doing so, the frozen image can be seen more clear.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hied and Cosec et al. teach viewing instruments.

Art Unit:

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is (703) 3-54398.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Sabras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered response should be brought to:

Crystal Park II, 2121 Crystal Drive

Arlington, VA. Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)306-0377.

D. Chow
AU. 2675
June 16, 2002


DENNIS-DOON CHOW
PRIMARY EXAMINER